

Agricultural Marketing Service, USDA

§916.105

his agent or representative in connection with any of the provisions of this part.

§916.69 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§916.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistaken, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§916.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Subpart—Rules and Regulations

§916.102 Procedure for nominating members and alternate members for the Nectarine Administrative Committee and the Shippers' Advisory Committee.

(a) The manager of the Nectarine Administrative Committee shall arrange for, and publicize, meetings of growers and shippers for the purpose of nominating members and alternate members for the Nectarine Administrative Committee and the Shippers' Advisory Committee. One growers' nomination meeting shall be held in each district. The shippers' nomination meeting shall be held in the district which, during the preceding year, produced the most nectarines. So far as possible,

these meetings shall be held jointly with nomination meetings scheduled by the Control Committee, established under Order No. 917, as amended (7 CFR part 917), known as the California Tree Fruit Agreement. Each such meeting shall be attended by one or more employees of the Nectarine Administrative Committee. Members of the Agricultural Extension Service of the University of California may be authorized by the Manager to assist in publicizing such meetings.

(b) Eligible voters assembled at nomination meetings may select a chairman and secretary, but in the event none of the aforesaid employees of the Nectarine Administrative Committee is selected as secretary, one such employee shall, nevertheless, record all nominations made.

(c) The nominations at any meeting shall be conducted according to Robert's Rules of Order. Voting may be by secret ballot or by acclamation in accordance with the desire of the majority of the eligible voters attending the meeting.

(d) No individual, whether representing a corporation or otherwise, may cast more than one vote for each nominee to be selected at the meeting where such individual is eligible to participate in the selection of nominees.

[25 FR 239, Jan. 13, 1960. Redesignated at 26 FR 12751, Dec. 30, 1961]

§916.105 Redefinition of certain districts.

The subdivisions of the production area are redefined and renumbered as follows:

(a) *District 1* shall include the counties of Madera, Fresno, and Kings and that portion of Tulare County north of the 4th Standard Parallel south of Mount Diablo Base Line of the General Land Office.

(b) *District 2* shall include that portion of Tulare County not included in District 1.

(c) *District 3* shall include all of the production area lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino.